

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RIO MAR ASSOCIATES, L.P., S.E., a Delaware Limited Partnership, d/b/a THE WESTIN RIO MAR BEACH RESORT,

Case No. 07 CV 8227 (GBD)

Plaintiff,

**NOTICE OF MOTION**

-against-

MIXSHOW POWER SUMMIT, INC., a New York corporation; THE POWER SUMMIT, INC., a New York corporation; RPM MARKETING & PROMOTIONS, INC., a New York corporation; and RENE McLEAN, a New York resident,

Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed declaration of Peter M. Agulnick, Esq., dated February 12, 2008, the annexed exhibits, the accompanying Memorandum of Law, and upon all prior proceedings, Defendants THE POWER SUMMIT, INC., RPM MARKETING & PROMOTIONS, INC. and RENE McLEAN will move this Court before Hon. George B. Daniels, at the courthouse located at 500 Pearl Street, Courtroom 15D, New York, NY 10007 on **March 31, 2008 at 9:30 AM** or as soon thereafter as counsel or pro se parties can be heard for an Order containing the following relief:

(A) Pursuant to Fed. R. Civ. Pro. 12(b)(1), dismissing this case Plaintiff's complaint because Plaintiff has failed to properly plead that this Court has subject-matter jurisdiction based upon diversity of the parties within the meaning of 28 U.S.C. § 1332; and

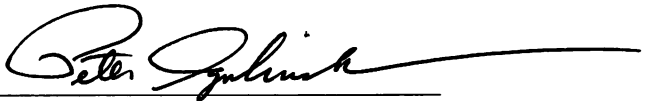
(B) such other relief that is appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), opposition papers, if any, shall be served and filed on or before March 17, 2008 and movants' reply papers, if any, shall be served and filed on or before March 27, 2008.

Dated: New York, New York  
February 12, 2008

Yours, etc.,

PETER M. AGULNICK, P.C.

By: 

Peter M. Agulnick (PA 5030)

Attorneys for Defendants

**THE POWER SUMMIT, INC.,  
RPM KARKETING & PROMOTIONS, INC.,  
and RENE McLEAN**

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TO: RUDNER LAW OFFICES  
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